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HB 2249-78, HD 1 RELATING TO ENVIRONMENTAL QUALITY

Statement for the
Senate Committee on Ecology, Environment and Recreation
Public Hearing 15 March 1978

By
Doak C. Cox, Environmental Center

HB 2249, HD 1 proposes to amend HRS Chapter 341 so as to abolish the Environmental Council. Although HRS does not prescribe any direct relationship between the Council and the Environmental Center, as Director of the Center, I have served as an ex officio member of the Council, without vote, since the Council was established. However, this statement does not reflect the position of the Council, and it does not reflect an institutional position of the University.

The Council was established in order to provide liaison between the public and the Director of the Office of Environmental Quality Control (OEQC), and through him the Governor. In my opinion such liaison is of great importance. Matters within the jurisdiction of the OEQC involve inherently a combination of objective aspects and subjective aspects. The former aspects are amendable to expert analysis, and it is part of the function of the Environmental Center to make the competence of the University community available to the OEQC. The latter aspects are, however, not amenable to expert analysis, and the opinions of a body such as the Environmental Council are much needed by the OEQC.

The House Committee on Ecology and Environmental Protection, in its report on HB 2249 (Standing Committee Report No. 458-78), has expressed the belief that the Director of Environmental Quality Control can hear the public voice directly better than through the Environmental Council, and HB 2249 HD 1 would have the Director provide liaison between the public and the Governor. If it were true that executives generally can sense public opinion adequately, there would be no need for public advisory bodies. I believe that this is not true generally, and that, particularly in the case of environmental issues, it is wise to provide the executive with advisers representing the public.

In the same report, the House Committee implies that the Environmental Council was active only until 1974. The Council's activity did not cease in 1974. The Council meets at irregular intervals, but on the average since 1974 about eight or nine times a year. It has, since 1974:

- 1) Made specific recommendations as to the undertakings or direction in planning of a number of important actions including for example:
 - a) The Malaekahana State Park development
 - b) The planning for a Kaena Point State Park
 - c) A study of resource recovery possibilities
- 2) Overseen the preparation of annual reports on progress in achieving the State's environmental goals and policies.
- 3) Served usefully as a sounding board for the public in relation not only to matters strictly within OEQC's jurisdiction but to related matters as well.

In its report, the House Committee also states that legislative committees, (presumably including this Committee) have largely usurped the function of the Council. If indeed the legislative committees have undertaken to provide the same kinds of advice as the Council, the result might appropriately be described as usurpation. It is the function of the Legislature to determine policy; it is the function of the executive branch to implement policy. I can think of no case in which advice as to policy implementation provided by the Council has conflicted with policy advice provided by legislative committees. Even to the extent advice as to implementation were appropriate from the legislative committees, they would find it difficult to match the timeliness and detail of the advice provided by the Council.

In HD 1, it is proposed that the Director take over the annual reporting responsibilities of the Council. Since the annual reports have actually been prepared by the OEQC staff with nominal oversight by the Council, this one change would have little significance. In fact, I recommended originally that the preparation of the reports be the responsibility of the Director, rather than the Council. However, in the preparation of the reports, the Council should continue to have an advisory role.

Maintenance of the Council is not costly. Its members are not paid for their services. Only their travel and per diem expenses are paid.

At a time when public input to governmental decision-making processes is so highly stressed, it would seem exceedingly strange if the facilitation of public input that is provided by the Environmental Council was discontinued.